

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)

Pursuant to Fed. R. Civ. P. 26(f) incorporated into bankruptcy by Fed. R. Bankr. P. 7026, the parties hereby submit their discovery plan in with R.I. LBR 7026-1(c):

1. The parties state that all disclosures under Fed. R. Bankr. 7026(a) have been
2. The parties will conduct discovery concerning the following subjects:
  - The circumstances surrounding the allegation that Debtor breached his fiduciary duty by acts of embezzlement and misappropriation of funds belonging to New England Auto Center, Inc. and used them for his own personal gain/benefit;
  - The circumstances surrounding the allegation that Debtor, on more than one occasion, without the requisite corporate authority to do so, made certain disbursements or expenditures from corporate funds, which said payments related solely to Debtor's personal expenses and/or were used for Debtor's personal benefit or gain;
  - The circumstances surrounding the allegation that Debtor made certain disbursements from corporate funds, knowing that said monies were corporate funds and Debtor was not granted authority to do so;

- The circumstances surrounding the allegation that Debtor has not paid to Plaintiffs the monies that Debtor misappropriated and used for his own personal gain/benefit; and
- The circumstances surrounding the allegation that the Plaintiffs suffered significant damages including substantial attorneys' fees in defending Debtor's claims.

The parties reserve their right to designate additional issues.

3. The parties anticipate that discovery will be completed within ninety (90) days, and agree to a discovery closure date of January 31, 2016. The parties reserve their right to request a modification of this discovery date for good cause and/or as justice so requires.

4. The parties do not believe that they need a deadline to join other parties or amend the pleadings as such actions are not contemplated at this time. The parties reserve the right to request a modification of this deadline for good cause and/or justice requires.

5. The parties agree that the deadline to file dispositive and pre-trial motions shall be February 27, 2016. The parties reserve the right to request a modification of this deadline for good cause and/or justice requires.

6. The parties agree that a joint pre-trial order shall be filed on or before March 30, 2015, provided that no dispositive motion is filed by that date. If a dispositive motion is filed, the parties respectfully request the Court set a joint pre-trial order deadline and any decision or order denying dispositive relief.

7. The parties do believe that a pre-trial conference before the court would serve a purpose at this time.

Respectfully submitted this 2 day of November, 2015.

Plaintiff

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Defendant

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CERTIFICATION

I hereby certify that on the 4<sup>th</sup> day of November, 2015, I electronically filed a true and accurate copy of the within document to be sent via electronic means with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System.

/s/ Ryanna T. Capalbo, Esq.,  
Ryanna T. Capalbo, Esq., #8314